THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.31242 of 1998

Dated:29.08.2007

Between

M.V.V.Satyanandam

.....Petitioner

and

AP Legislative Assembly,
Rep., by its Secretary, Hyderabad.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.31242 of 1998

ORDER:

This writ petition has been filed seeking a Mandamus to direct the respondents to treat the period of officiation of the petitioner as Private Secretary to Secretary to State Legislature discharging the functions of the Section Officer from 5.7.1996 to 8.1.1997 to be counted for calculating two years of statutory period of officiation as Section Officer for promotion to the post of Assistant Secretary in the AP Legislature Department.

It appears that the petitioner joined the service of Legislature Department on 4.9.1978 as UD Stenographer. There are four feeder posts i.e, Section Officer, Private Secretary to Secretary to State Legislature, Reporter and

Translator. One must put in two years of service as Section Officer for promotion to the post of Assistant Secretary only in case of Private Secretary to Secretary to State Legislature. The petitioner was in the category of Private Secretary to Secretary to State Legislature. The post of Section Officer, Private Secretary to Secretary to State Legislature, Reporter and Translator are equal posts. Questioning the discriminatory provisions of the Rules, earlier he filed writ petition being WP.No.2556 of 1997 on the file of this Court with a consequential prayer to consider his case for promotion to the post of Assistant Secretary from 15.4.1995 when his turn for promotion to the post of Assistant Secretary arose.

It is the grievance of the petitioner that he discharged the functions of Section Officer from 5.7.1996 to 8.1.1997 with designation of Private Secretary to Secretary to State Legislature. Therefore, if this service is taken

into consideration and if he is treated as Section Officer, he is entitled for being promoted as Assistant Secretary in the AP Legislature Department.

A detailed counter-affidavit has been filed by the respondent denying the allegations made by the petitioner. It is stated that the service rendered by the petitioner from 5.7.1996 to 8.1.1997 cannot be counted as service rendered in the post of Section Officer. Since there was no sufficient work load for the Private Secretary to Secretary and other stenographers in the Peshi of Secretary, the petitioner was asked to look after the work of House Committee in exigencies. In that capacity, he is required only to submit the summons to convene the meeting of the Committee and to dispatch the same to the Members. The petitioner is not eligible to handle any instruments in the manner laid down in the business rules and Secretariat instructions which governed the transaction of

the business other than parliamentary work in the legislature Secretariat. Till January 1997, when the petitioner was posted as Section Officer in one of the vacancies for the purpose of training, he was not full-fledged Section Officer to Supervise the work of a Section. It is not the question of merely spending two years in the post of Section Officer that counts for promotion. At the end of two years training as Section Officer, the Head of the Department has to assess the performance of the petitioner critically and shall decide whether he is suitable for promotion or not. The petitioner was never posted as Section Officer and he was only entrusted with a piece of work as there was no sufficient work. This arrangement does not confer any right to consider him to the post of Assistant Secretary. Further, the petitioner has already filed a writ petition No.2556 of 1997 seeking the same relief and the same was dismissed subsequently.

It appears that the substantive post held by the petitioner was Private Secretary to Secretary to State Legislature and he was asked only to do particular nature of work since Private Secretary to Secretary to State Legislature had no sufficient work. In view of the same, it cannot be said that the petitioner officiated as Section Officer for two years ie., from 5.7.1996 to 8.1.1997 and therefore, he is not entitled for reckoning the said service. Writ petition is misconceived and devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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29-08-2007

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